

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ALFONSO HERNANDEZ,

Plaintiff,

vs.

No. CV 14-964 KG/SCY

ANDY FITZGERALD,

Defendant.

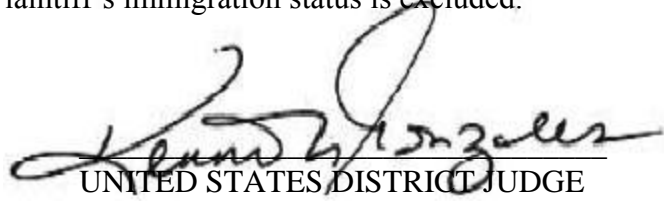
ORDER ON MOTION IN LIMINE (Doc. 159)

This matter comes before the Court on Plaintiff Alfonso Hernandez's Motion in Limine to Exclude Testimony or Evidence of Immigration Status, filed February 5, 2018. (Doc. 159). Defendant Andy Fitzgerald filed his response in opposition on February 26, 2018. (Doc. 169). The Court addressed this matter with the parties at the January 30, 2019, telephonic status conference, urged the parties to meet and confer on a stipulation regarding this Motion, and took the Motion under advisement. (Docs. 208, 242).

Upon further consideration, the Court grants Plaintiff's Motion because Plaintiff's immigration status is not relevant to the claims at issue. Put another way, Plaintiff's immigration status does not have any tendency to make a fact of consequence in determining the action more or less probable than it would be without evidence of immigration status. As such, immigration status is not relevant. Fed. R. Evid. 401.

Even if Plaintiff's immigration status were relevant, which it is not, any minimal probative value is substantially outweighed by the danger of unfair prejudice and unduly suggesting an improper basis upon which the jury could render a verdict. Fed. R. Evid. 403. For this reason, also, Plaintiff's immigration status is not admissible.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion in Limine to Exclude  
Testimony or Evidence of Immigration Status, filed February 5, 2018 (Doc. 159), is granted.  
Any testimony or evidence regarding Plaintiff's immigration status is excluded.



Kenneth H. Gonzalez  
UNITED STATES DISTRICT JUDGE